

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NARCUS WESLEY,

Petitioner,

v.

DIRECTOR, NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

Case No. 2:13-cv-00389-MMD-PAL

ORDER

On the Court's docket is a motion for certificate of appealability (dkt. no. 16). The Court dismissed this action without prejudice because petitioner neither paid the filing fee nor submitted an application to proceed *in forma pauperis*. By the Court's calculations, at the time petitioner commenced this action, only one hundred twenty-seven (127) days of the one-year period of limitation of 28 U.S.C. § 2244(d)(1) had passed. Petitioner quickly could have commenced a new action without any effect to its timeliness. Reasonable jurists would not find the Court's conclusion to be debatable or wrong, and the Court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that a certificate of appealability is DENIED.

DATED THIS 5th day of June 2013.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE